

House Engrossed Senate Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 160

SENATE BILL 1232

AN ACT

AMENDING SECTION 36-553, ARIZONA REVISED STATUTES, REPEALING SECTION 41-3011.08, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3021.08; RELATING TO THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-553, Arizona Revised Statutes, is amended to
3 read:

4 36-553. Developmental disabilities advisory council;
5 membership; duties

6 A. The developmental disabilities advisory council is established
7 consisting of the following ~~twelve~~ members:

8 1. One parent or guardian of a child who is under the age of eighteen
9 years and who is developmentally disabled.

10 2. One parent or guardian of a child who is eighteen years of age or
11 older and who is developmentally disabled.

12 3. ONE PARENT OF A CHILD WHO IS SERVED THROUGH THE ARIZONA EARLY
13 INTERVENTION PROGRAM.

14 ~~3.~~ 4. One member of the private sector who represents an agency that
15 is ~~licensed to provide licensed residential services to the developmentally~~
16 ~~disabled~~ CERTIFIED TO PROVIDE IN-HOME SERVICES TO PERSONS WITH DEVELOPMENTAL
17 DISABILITIES.

18 ~~4.~~ 5. ~~One member~~ TWO MEMBERS of the private sector who ~~represents an~~
19 ~~agency that is licensed to provide licensed nonresidential~~ ARE CONTRACTED
20 WITH THE DIVISION TO DELIVER SERVICES TO PERSONS WITH DEVELOPMENTAL
21 DISABILITIES, ONE WHO REPRESENTS A PROVIDER OF RESIDENTIAL SERVICES AND ONE
22 WHO REPRESENTS A PROVIDER OF ADULT DAY services INCLUDING EMPLOYMENT
23 SERVICES. ~~to the developmentally disabled.~~

24 ~~5.~~ ~~One person with a developmental disability.~~

25 6. TWO MEMBERS WITH A DEVELOPMENTAL DISABILITY WHO RECEIVE SERVICES
26 FROM THE DIVISION.

27 ~~6.~~ 7. Two members each representing a different developmental
28 disability advocacy organization.

29 ~~7.~~ 8. One member from the designated protection and advocacy
30 organization.

31 9. A MEMBER REPRESENTING A NONPROFIT ORGANIZATION PROVIDING DIRECT
32 ADVOCACY TO FAMILIES WITH DEVELOPMENTALLY DISABLED CHILDREN.

33 ~~8.~~ 10. The director of the Arizona health care cost containment
34 system administration or the director's designee. This person is a nonvoting
35 member.

36 ~~9.~~ 11. The assistant director of the division of developmental
37 disabilities. This person is a nonvoting member.

38 ~~10.~~ 12. One member from the ~~governor's council on~~ developmental
39 disabilities PLANNING COUNCIL.

40 ~~11.~~ 13. One member representing foster parents of children with
41 developmental disabilities.

42 14. ONE MEMBER FROM THE HUMAN RIGHTS COMMITTEE ON THE DEVELOPMENTALLY
43 DISABLED ESTABLISHED BY SECTION 41-3801.

1 B. The governor shall appoint all voting members. Voting members and
2 their families shall not be employees of the department of economic security.
3 In making these appointments the governor shall select at least five members
4 who are clients, OR guardians, parents or other family members of persons
5 with developmental disabilities. One of these five voting members shall
6 represent a person who is eligible for long-term care services pursuant to
7 chapter 29, article 2 of this title. The governor shall also consider
8 geographic representation in making these appointments.

9 C. Council members appointed pursuant to subsection A, paragraphs 1
10 through 7- 9 and ~~11~~ 13 AND 14 of this section shall serve staggered three
11 year terms. ~~Beginning September 30, 1992,~~ No members may serve more than two
12 full terms. A vacancy occurring on the council shall be filled by the
13 governor appointing another qualified person to serve the remainder of the
14 term.

15 D. The council chairman shall be chosen annually by a majority vote of
16 the council. A majority of voting council members constitutes a quorum.

17 E. The council shall meet ~~at least four times each year.~~ IN EACH
18 DISTRICT AT LEAST ONCE A YEAR.

19 F. THE DIVISION MUST ALLOW THE COUNCIL TO REVIEW NEW POLICIES AND
20 MAJOR POLICY CHANGES BEFORE THE DIVISION SUBMITS THE POLICIES OR CHANGES FOR
21 PUBLIC COMMENT.

22 G. THE COUNCIL SHALL REVIEW AUDITOR GENERAL REPORTS REGARDING THE
23 DIVISION AND SERVICES PROVIDED BY THE DEPARTMENT OF HEALTH SERVICES.

24 ~~F.~~ H. Council members are not eligible to receive compensation, but
25 council members appointed pursuant to subsection A, paragraphs 1 through 7- 9
26 and ~~11~~ 13 AND 14 of this section are eligible to receive reimbursement of
27 expenses pursuant to title 38, chapter 4, article 2.

28 ~~G.~~ I. The council shall review and make recommendations to the
29 division regarding:

30 1. Coordinating and integrating services provided by state agencies
31 and providers that have contracted with state agencies to provide
32 developmental disability programs.

33 2. The health, safety, welfare and legal rights of persons with
34 developmental disabilities.

35 3. ~~Implementing the state~~ THE DIVISION'S plan FOR SERVICE DELIVERY AND
36 IMPROVEMENT.

37 4. Establishing and reviewing division policies and programs.

38 ~~5. Annual rate setting methodology.~~

39 5. THE COST EFFECTIVENESS OF DIVISION SERVICES.

40 6. Assessing the division's annual needs.

41 7. Selecting the assistant director of the division.

42 8. Monitoring the division's annual budget.

43 9. The sale or lease of the real property and improvements on the real
44 property formerly used by the department of economic security for the Arizona
45 training program in Phoenix.

1 H. J. The council shall oversee and approve expenditures of monies
2 from the developmentally disabled client services trust fund established in
3 section 36-572 following expenditure guidelines established by the council.

4 I. K. The council shall provide the public with an opportunity to
5 address the council at regularly publicized meetings.

6 J. L. The council shall submit an annual report of activities to the
7 director, the governor, the president of the senate and the speaker of the
8 house of representatives by December 31 of each year.

9 K. M. The department shall make meeting space available to the
10 developmental disabilities advisory council at locations and times convenient
11 to the council and shall provide secretarial and other staff support.

12 Sec. 2. Repeal

13 Section 41-3011.08, Arizona Revised Statutes, is repealed.

14 Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
15 amended by adding section 41-3021.08, to read:

16 41-3021.08. Developmental disabilities advisory council:
17 termination July 1, 2021

18 A. THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL TERMINATES ON JULY
19 1, 2021.

20 B. SECTION 36-553 IS REPEALED ON JANUARY 1, 2022.

21 Sec. 4. Purpose

22 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
23 the legislature continues the developmental disabilities advisory council to
24 help the division of developmental disabilities in the department of economic
25 security establish, review and implement policies and programs for persons
26 with developmental disabilities.

27 Sec. 5. Retroactivity

28 Sections 2 and 3 of this act are effective retroactively to July 1,
29 2011.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House April 11, 20 11,

by the following vote: 41 Ayes,

18 Nays, 1 Not Voting

[Signature]
Speaker of the House
Pro Tempore
Cheryl Laube
Chief Clerk of the House

Passed the Senate January 10, 20 11,

by the following vote: 23 Ayes,

6 Nays, 1 Not Voting

[Signature]
President of the Senate
Charmain Balliet
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20 _____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20 _____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1232

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20 _____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 13, 20 11

by the following vote: 21 Ayes,

2 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of April, 20 11

at 4:25 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 18th day of

April

at 3:40 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18th day of April, 20 11

S.B. 1232

at 5:04 o'clock P. M.

[Signature]
Secretary of State